

**IN THE UNITED STATES DISTRICT COURT OF ILLINOIS
FOR THE NORTHERN DISTRICT
EASTERN DIVISION**

EMPLOYERS MUTUAL CASUALTY)	
COMPANY,)	
An Iowa State Corporation,)	
Plaintiff,)	No. 08 CV 6089
)	
vs.)	
)	
L. WALLER ENTERPRISES, INC., an Illinois)	
corporation, and RUBY L. WALLER, an Illinois)	
citizen,)	
Defendants.)	

**EMPLOYERS MUTUAL CASUALTY COMPANY'S
MOTION FOR ENTRY OF FINAL JUDGMENT
AGAINST DEFENDANT L. WALLER ENTERPRISES, INC.**

Employers Mutual Casualty Company ("EMC" or "Surety"), by and through its attorneys, Grace Winkler Cranley and Jennifer Watt of the law firm of Leo & Weber, P.C., submits this Motion for Entry of Judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure against Defendant, L. Waller Enterprises, Inc. ("L. Waller"). In support of this motion, EMC states as follows:

1. On October 23, 2008, EMC commenced this action against the Defendants arising out of an Agreement of Indemnity ("Indemnity Agreement") entered into by L. Waller, the co-defendant and EMC on May 23, 2002 pursuant to which L. Waller agreed to indemnify EMC from any and all liability arising out of claims on bonds issued on behalf of Defendant L. Waller.
2. On January 21, 2009, this Court entered an Order granting EMC's motion for default judgment against L. Waller. (A copy of the Order is attached as Exhibit "A").

3. As a result of L. Waller's breach of the Indemnity Agreement and other actions, EMC has already incurred losses totaling \$1,218,625.80 in loss payments and expenses, and could be exposed to pay additional sums in loss and expense payments. (See Affidavit of Linda Hoffmann attached as Exhibit "B").

4. Federal Rule of Civil Procedure 58 provides for entry of judgment against a party under these circumstances.

5. EMC seeks entry of a judgment amount against L. Waller Enterprises, Inc. as a result of the decision by the Court on January 21, 2009 in the amount of \$1,218,625.80 as set forth in the Affidavit of Linda Hoffmann and for leave to seek additional amounts from L. Waller Enterprises, Inc. at a later date should EMC incur additional losses. (See Affidavit of Linda Hoffmann attached as Exhibit "B").

WHEREFORE, Plaintiff, Employers Mutual Casualty Company, prays that this Honorable Court enter a final judgment against L. Waller Enterprises, Inc. in the amount of \$1,218,625.80 at this time and for leave to seek additional judgment amounts from L. Waller Enterprises, Inc. at a later date should EMC incur additional losses under the Indemnity Agreement and for any other relief this Court deems appropriate.

Employers Mutual Casualty Company

By: /s/ Grace Winkler Cranley
One of its Attorneys

Grace Winkler Cranley, ARDC #: 6215920
Jennifer Watt, ARDC #: 6279888
Leo & Weber, P.C.
One North LaSalle Street
Suite 3600
Chicago, Illinois 60602
312-857-0910

CERTIFICATE OF SERVICE

I hereby certify that on February 4, 2009 I caused copies **Employers Mutual Casualty Company's Motion for Entry of Final Judgment Against Defendant L. Waller Enterprises, Inc.** to be filed pursuant to the Federal Rules of Civil Procedure and Local Rules with the Clerk of the United States District Court, Northern District of Illinois, Eastern Division, using the CM/ECF system which will send notice of filing electronically to the following:

Dirk L. Van Beek
Dirk Van Beek Attorney at Law
7220 West 194th Street Suite 104
Tinley Park, IL 60477

Employers Mutual Casualty Company

/s/ Grace W. Cranley
One of its Attorneys

Grace Winkler Cranley, ARDC #: 6215920
Jennifer Watt, ARDC #: 6279888
Leo & Weber, P.C.
One North LaSalle Street, Suite 3600
Chicago, Illinois 60602
312-857-0910/312-857-1240